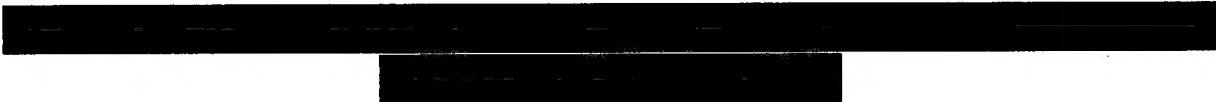




II. BACKGROUND ON IC RELATIONSHIPS WITH THE INC¹

(U) In the Spring of 1991, President George H. W. Bush approved efforts aimed at influencing those in the Iraqi government and military to undertake action to change the Iraqi leadership. This authorization included encouraging individuals or groups, both inside and outside Iraq, who wished to remove Saddam from power and supporting those efforts in a material fashion. It was not the objective or intent of the U.S. Government that Saddam Hussein, or members of his regime, be physically harmed, but this authorization took note that there was a strong possibility that violence of some degree would occur.

¹ This section of the report has been redrafted substantially from the classified version to accommodate classification restrictions.



[REDACTED]

(U) In response to the authorization, and in an effort to reach out to opposition groups and generate ideas to carry out the efforts, in May 1991, the CIA approached Dr. Ahmed Chalabi, a secular Iraqi Shiite Muslim, who had been living in exile since 1956 and was already a well known opposition figure. With mutual goals of establishing a focal point for rallying the Iraqi opposition, Chalabi and the CIA began to work together.

(U) In June of 1992, more than 200 Iraqi opposition leaders met in Vienna. This conference saw the creation of the INC and established a general committee, and smaller leadership and executive committees, to direct opposition efforts against the Iraqi regime.²

(U) After the Vienna meeting, Ahmed Chalabi says he began to plan for a larger conference that would include a wider spectrum of opposition parties, including the Islamic groups, which had not participated in the Vienna conference. In October 1992, several hundred representatives attended the INC's conference in Kurdish-controlled northern Iraq. The INC elected a three-member leadership council, chose a 25-member executive council, and elected Chalabi as its Chairman. The INC also established an office in northern Iraq and announced its political program which included three primary goals: 1) the overthrow of the Saddam Hussein regime; 2) the establishment of democracy in Iraq; and 3) putting Saddam Hussein and his regime on trial.³

(U) While the US and the INC continued to work toward mutual goals of undermining Saddam Hussein, the relationship experienced some difficulties, in part due to differing views of Chalabi's role in CIA's Iraq intelligence efforts. The CIA officers interviewed by Committee staff commented that Chalabi was

²Staff interview with Ahmed Chalabi, January 31, 2006.

³Staff interview with Ahmed Chalabi, January 31, 2006

[REDACTED]

difficult and some said that Chalabi did not provide useful intelligence and did not deliver on assurances that disaffected Iraqi military officers wanted to defect to the opposition.⁴ Several officers also believed that the INC's radio stations and other media outlets were not as productive as they should have been.⁵ Some CIA officers complained about Chalabi's efforts to lobby Members of Congress, while other officers said that Chalabi's security force was too large, too much like a private army of Iraqi dissidents.⁶

(U) Chalabi told Committee staff that he was the leader of a political process and not a US intelligence asset. He did not believe he had an obligation to act under CIA control. Chalabi told Committee staff that his strategy from the beginning was to get support for the INC from Congress. He acknowledged that this strategy caused "friction" with CIA officers who were uncomfortable with him talking to Congress. Chalabi also told Committee staff that he was not tasked to collect intelligence until October 1994. Chalabi said that before that time, the INC did collect information, including from Iraqi military walk-ins, but that the information was used by the INC for their own media operations.⁷

(U) The Chief of the Iraq Operations Group at the CIA told Committee staff that Chalabi was a "very controversial character" and "came with some baggage," but said that of all of the opposition, Chalabi "was always the one who really got things done."⁸

⁴Staff interviews with CIA officers.

⁵Staff interviews with CIA officers.

⁶Staff interviews with CIA officers.

⁷Staff interview with Ahmed Chalabi, January 31, 2006.

⁸Staff interview with CIA officer.

[REDACTED]

[REDACTED]

(U) In October 1994 the INC provided a steady stream of low-ranking walk-ins from various Iraqi army and Republican Guard units who generally had interesting information.⁹ CIA officers described Chalabi's propaganda operations noting that:

parts of the operation were very impressive given the isolation of [the location] and the power problems. ... Less than impressive was the TV programming [deleted text]. The facilities are not plush, but expenses are high because of the high cost of spare parts, power and items imported through tenuous supply lines. The conditions at the protective force compound are especially spartan. The INC, however, could easily rent down to a less ostentatious HQS building. It is rarely used and not worth whatever the cost is.¹⁰

(U) Former CIA officials also described problems with Chalabi as the result, in part, of squabbles within the CIA about which Iraqi opposition members to support. Several current and former CIA officers told Committee staff that there was a degree of "clientism" within the agency in which operations officers with primacy in dealing with specific opposition members tended to side with, and at times adopt the views of, those individuals.¹¹ CIA reports indicate that Iraqi opposition members constantly complained about each other and about their perception that CIA gave more time, attention and funding to some opposition members over others.

(U) Nonetheless, according to a 1997 CIA report on Chalabi, "Chalabi was

⁹CIA Operational cable, December 1995.

¹⁰CIA Operational cable, December 1995.

¹¹Staff interview with CIA officers.

[REDACTED]

the only INC leader willing to devote his time and energy to the organization.”¹² The CIA awarded Chalabi for his efforts in 1994 in recognition of his distinguished service in facilitating a cease-fire agreement between two warring Kurdish groups in northern Iraq. The award submission praised Chalabi and another INC leadership council member noting:

Their display of perseverance and fortitude during this trying and dangerous time was invaluable in helping concerned parties to bring about a cease-fire and establish mechanisms for policing a sustained period of calm. Due to their combined efforts, negotiations were successfully carried out between the two principal Kurdish leaders and the viability and integrity of INC efforts in Northern Iraq were sustained.

(U) Despite this process, problems between Chalabi and the CIA escalated in late 1994 and early 1995 when a tenuous ease-fire between the two Kurdish parties in northern Iraq was breaking down while, at the same time, the opposition was making plans to overthrow Saddam Hussein.

(U) In December 1994, the INC leadership council member reportedly made claims that the U.S. supported a plan to lead an opposition force into Iraq to join with military commanders of an Iraqi Corp in an attack against the regime. This plan was reportedly an attempt to prevent renewed fighting between Kurdish opposition groups, by telling the two groups that renewed fighting would interfere with the operation against the Saddam regime. The plan was soon abandoned due to an admonishment from CIA.¹³

¹²CIA's Relationship with Ahmad Chalabi, July 1997.

¹³CIA Operational cable, January 1995.

[REDACTED]

(U) At the same time, Chalabi was also concerned about the continuation of Kurdish fighting and reports that the Iranians intended to send their own "mediators" into northern Iraq. In late January 1995, a senior Department of State officer went to northern Iraq to meet with Chalabi and the Kurdish leaders to discuss a possible cease-fire.¹⁴ In response, the US encouraged a cease-fire agreement by offering U.S. funding for INC mediation efforts and suggesting that the U.S. would cease enforcing the northern Iraq no-fly zone if the two groups did not agree. The Kurdish Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) agreed to accept a cease-fire based on that understanding.¹⁵

(U) In early February 1995, the CIA learned of a new opposition plan to remove Saddam Hussein from power. A former senior Iraqi intelligence official said the plan centered on seizing Saddam when he visited his residence in the town of Ujah, where he assessed Saddam would go if he felt vulnerable in Baghdad. A clan member of the former official and military instructor at a nearby tank school was to provide armor to take Saddam's Ujah residence complex. Another military officer, who was assigned to Saddam's special security detail, was responsible for informing them of when Saddam was about to leave for Ujah. The CIA learned that the former official wanted to implement the plan within two-to-three weeks and said nothing other than minimal assistance was needed, although the former official would expect strong U.S. public support for the coup immediately after Saddam would be seized.¹⁶

(U) Immediately thereafter, the CIA received many additional details about the plan, including the fact that "the coup will occur on either 4 or 5 March, depending on when Saddam travels to Ujah" and that the former official expected

¹⁴ CIA operational cable, January 1995 and staff interview with Ahmed Chalabi.

¹⁵ CIA operational cable, January 1995 and staff interview with Ahmed Chalabi.

¹⁶ CIA Operational cable, February 1995.

[REDACTED]

the U.N./U.S. to declare a no-fly zone, noting that the movement does not need air support, just a warning for the Iraqi air force not to fly.¹⁷

(U) In early February 1995, the CIA learned about continuing tensions between the Kurdish opposition groups. One Kurdish leader said unless an INC peace-keeping force was immediately deployed to the confrontation lines, he could not show continued restraint.¹⁸

(U) In mid-February 1995, the U.S. learned that a cease-fire was agreed to only because of strong U.S. support, including for an INC mediation force. A CIA report stated:

While an uneasy truce has generally held since the cease-fire proposal was agreed to on 22 January, it will not last unless [fighting Kurdish] forces soon are separated by an INC force. Should the U.S. not fund the INC peace-keeping force and another round of fighting occurs, any attempt for the U.S. to mediate a second cease fire would be unlikely to succeed.¹⁹

(U) In mid-February 1995, the CIA received information that the official was continuing to contact his network and was prepared to implement his plan as early as February 22, 1995. The CIA explained that the U.S. is not a participant in the coup and is not funding the coup. The CIA told the former official the U.S. believes Iraq would be better served with a different government and that “the

¹⁷ CIA operational cable, February 1995.

¹⁸ CIA operational cable, February 1995.

¹⁹ CIA operational cable, February 1995.

[REDACTED]

U.S. will itself not remove Saddam, but rely on the Iraqi people to do so,” the same message that had been passed to other prominent opposition officials.²⁰

(U) In mid-February 1995, CIA Iraq elements inquired about support for the INC peace-keeping force. Chalabi had informed them he only had funds to pay his security force until February 15, at which time he would have to start letting personnel go. Chalabi had been informed by the State Department that U.S. support would be available before mid-February. CIA elements were seeking to expedite the payment.²¹

(U) On February 17, 1995, CIA Iraq elements were informed that policymakers wished to pursue the proposal as an overt U.S. diplomatic initiative with Department of State leading the effort’s funding and administration. Department of State lawyers tentatively concluded that State had the legal authority to fund the initiative and were seeking to verify whether there were “any actual funds available.” Chalabi still owed the Department of State a budget for the INC effort, and CIA headquarters commented that Chalabi’s “own administrative weaknesses are not serving his case well.”²² An immediate response from the CIA Iraq elements attached a budget that Chalabi had previously passed to CIA which they believed had previously been given to the Department of State.²³

(U) On February 17, 1995, headquarters received a field report describing the status of opposition politics in northern Iraq. The cable noted that Chalabi was focusing on the plan to detain Saddam in Ujah, but Chalabi did not believe

²⁰ CIA operational cable, February 1995.

²¹ CIA Operational cable, February 1995.

²² CIA Operational cable, February 1995.

²³ CIA operational cable, February 1995.

[REDACTED]

Saddam could be removed simply by detaining him in Ujah and waiting for the Iraqi people to rise up. The plan would only be workable if there were large diversions in Mosul and Kirkuk, coordinated with uprisings in the Shi'a south. Accordingly, the cable noted that Chalabi was in close contact with the Kurdish groups about these plans and was attempting to reinvigorate ties with Iran and Shi'a opposition exiles in Iran. The cable said that the KDP and PUK were too busy fighting each other to think much about Chalabi's plan. The field report concluded that instability in Iraq could "provoke the opposition to implement its 'plan' on very short notice. CIA Field elements estimated that opposition 'planning' that may seem farfetched at this point could, with another sharp downturn of the situation in Iraq, come to pass."²⁴

(U) In early March, field reports noted a deteriorating situation in northern Iraq, including the movement of Turkish troops along the Iraqi border and Iraqi tanks shelling the town of Kifri. Unilateral CIA reporting indicated that the KDP intended to attack PUK positions, and might have been cooperating in a Turkish plan to launch large-scale counterinsurgency operations against the Kurdistan Workers Party (PKK), a militant Kurdish terrorist group, in PUK controlled areas.²⁵ The reporting also noted that the plan to detain Saddam in Ujah appeared to be gaining support in the south and the north. In early March, a CIA representative met with a representative of the Supreme Council for the Islamic Revolution in Iraq (SCIRI), who said SCIRI's armed wing, the Badr Corps, Shi'a tribes, and other Shi'a resistance groups in the south would support the early March coup attempt.²⁶ The details of the plan were outlined in a March 2, 1995 CIA intelligence report.

²⁴ CIA Operational cable, February 1995.

²⁵ CIA Operational cables, March 1995.

²⁶ CIA Operational cable, March 1995.

[REDACTED]

(U) A CIA representative accompanied Chalabi to discuss the plan and seek the participation of other senior opposition figures. According to Chalabi and CIA officials, the CIA representative went to these meetings to imply U.S. support for the planned effort.²⁷ These senior opposition officials told the CIA representative they would support the plan. One promised to send 15,000 troops to create a diversion and the another promised to move its own troops around Mosul.

(U) On March 3, 1995, Chalabi made contact with Iranian intelligence officials to discuss Iran's position on the proposed action and their support for possible action against southern Iraq. In response to questions from Committee staff, the CIA representative who had been liaising with Chalabi said he was aware of the meeting ahead of time and was aware that the purpose of the meeting was to gain both Iranian support for the opposition action and signal to the Iranians that the U.S. was supportive of the plan. CIA headquarters denied his request to join the meeting. He was informed, however, that it was not a problem for Chalabi to seek the help of the Iranians. Nonetheless, the CIA representative said that he was present outside the meeting space, was seen by the Iranians, and was aware that Chalabi intended for the Iranians to see him there as a signal of U.S. support.²⁸

(U) In early March 1995, a foreign government provided the U.S. information on the Iranians' view of this meeting. It was indicated that Iran thought that the U.S. was seeking Iranian support for the Iraqi oppositionist uprising against Saddam Hussein planned for early March 1995. Iranian officials also believed that the U.S. person involved in the matter was a CIA officer. Indications were that Chalabi "handed" the Iranians a message at the meeting, purportedly from the U.S., that said America would welcome the involvement of Islamic forces in the operations against Saddam Hussein, on the condition that the

²⁷ Staff interviews with CIA officers, and staff interview of Ahmed Chalabi, January 31, 2006.

²⁸ Staff interview with CIA officer, February 17, 2006.

[REDACTED]

independence and unity of Iraq are preserved, and the Iraqi borders are not changed.

(U) The same foreign government information provided additional details about a meeting between Chalabi and SCIRI representatives the day prior to his meeting with Iranian intelligence. When the SCIRI representatives questioned Chalabi about the seriousness of the uprising, Chalabi exited the meeting and returned with the previously identified American. The Iranians believed the American to be a member of the National Security Council. It was reported that the American told the SCIRI representatives that he wanted to kill Saddam and that he was serious.

(U) The CIA representative told Committee staff that he did not tell the SCIRI representatives that he wanted to kill or assassinate Saddam Hussein but he did say that we, meaning the U.S., wants to "get rid of him."

(U) Further intelligence about the same meeting indicated that Chalabi told the SCIRI representatives that America has promised to prevent any action by the Iraqi army and to target them; to impede Iraqi army tank movements in the cities, not in the marshes, via aerial bombardment; and to prevent Saddam's army from suppressing this initiative, through exploitation of resolutions 688 and 949.

(U) Several CIA officers told Committee staff that there was a firestorm in the National Security Council after receiving this information, with urgent phone calls to the CIA to find out what was happening in Iraq and why a CIA agent was posing as a member of the National Security Council and allegedly planning an

[REDACTED]

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assassination of Saddam Hussein.²⁹ Senior CIA officials immediately sought to ascertain whether there was any truth to the information.³⁰

(U) In early March 1995, CIA elements confirmed that they continued to tell the parties involved that:

This is not a U.S.-backed action. It is purely an Iraqi "plan." No money or material support has been or will be given to it. The U.S. military will not provide a no-fly zone, or in any way will the U.S. military support the action. The U.S. will not support assassinations or unnecessary bloodshed. [A CIA representative] has underscored the point that the U.S. is opposed to an action that leads to civil war or a popular uprising. The U.S. strongly opposes the Kurds attempting to occupy Mawsil and Kirkuk for the sake of making these Kurdish cities.³¹

(U) This was the first time the CIA representative reported that opposition leaders had been informed that the U.S. would not provide a no-fly zone or that the U.S. opposed an action that would lead to a popular uprising.

(U) In early March 1995, on the day the operation was set to go forward, the U.S. Government, at the instruction of the National Security Council (NSC), delivered to all of the opposition members involved a message which outlined two points:

A) The action you have planned for this weekend has been totally compromised; and

²⁹Staff interviews with CIA officers.

³⁰Staff interview with CIA officer.

³¹CIA Operational Cable, March 1995.

[REDACTED]

B) We believe there is a high risk of failure. Any decision to proceed will be entirely on your own.

(U) A third point, to be delivered only to Chalabi, said:

C) To eliminate any possible ambiguity, the U.S. government has not sought through you or any other channel to pass a message to the government of Iran on this matter³²

(U) When Chalabi was given the NSC message, the CIA representative told him that the message left it up to Chalabi whether to proceed with the plan.³³ Chalabi, believing it was too late to turn back, went ahead with the planned operation. Chalabi reportedly called another opposition figure and told him that the "U.S. no longer supported the plan."³⁴ The former Iraqi official leading the operation believed that it was too late to stop the internal networks from carrying out their assigned tasks.³⁵ Chalabi told Committee staff that one opposition leader whom he phoned agreed to go ahead with the operation as planned, a third opposition leader had left even before the message had been passed and would provide limited symbolic support to the operation, only because attacks were highly popular with the Kurds.³⁶

(U) In response to the U.S. message, Chalabi and the former official leading the operation indicated they "have never claimed U.S. military support" for the

³² CIA Operational cable, March 1995.

³³ Staff interview with Ahmed Chalabi, January 31, 2006, and staff interview with CIA officer, February 17, 2006.

³⁴ CIA Operational cable, March 1995.

³⁵ CIA Operational cable, March 1995.

³⁶ CIA Operational cable, March 1995.

[REDACTED]

plan. One added that he “had never claimed or will claim the U.S. has promised military, financial, or material support for the March plan.”³⁷ After the start of the action, the former official said that, because phone lines were cut off within Iraq, he was unable to communicate with Iraqi officers inside Iraq and requested that the U.S. fly a single airplane over Sammara to reassure the people and warn Iraqi helicopters not to fly. In response to this request, the Iraqi Operations Group sent instructions to the CIA representative that “if asked, and only if asked, about a response to [the former official leading the operation’s] request for a flight over Sammara, you should state ‘there is no response.’ ”³⁸

(U) Both CIA officials and Chalabi told Committee staff that the initial stages of the plan had worked to some extent. Exchanges of light infantry weapons and artillery fire were observed. Iraqi military equipment and several hundred Iraqi soldiers had been captured. While one group of opposition forces were occupied fighting Saddam’s military, another opposition group used the opportunity to attack the other from the rear, which effectively ended the operation.³⁹ Nonetheless, there was never confirmation that Iraqi military units had followed the plan and the Iraqi people did not rise up against the regime.

(U) Afterwards, CIA headquarters sent word to the opposition members. The points for Chalabi were:

A) In the wake of this weekend’s events, we need to clarify the basis on which we can work together in the future.

³⁷ CIA Operational cable, March 1995.

³⁸ CIA Operational cable, March 1995.

³⁹ CIA Operational cable, March 1995, Staff interview with Ahmed Chalabi, January 31, 2006, and Staff interview with CIA officer.

[REDACTED]

B) As you know, we were surprised by your plan to move this weekend and were very concerned about claims that this plan had U.S. support.

C) This cannot happen again if we are to work together. The U.S. government must not be put in the position of having its name invoked, or having to make decisions which could involve American lives, without adequate prior consultation.

D) We are concerned that in the aftermath, a desire to assign blame will lead to the weakening of the opposition to Saddam Hussein. We hope this urge will be resisted.

E) The task now is to regroup around our common objective. Saddam Hussein is increasingly isolated. Our efforts among UNSC members have helped ensure the maintenance of sanctions.

F) Saddam has to believe his position is eroding. Efforts in the period ahead need to be focused on exploiting his weaknesses rather than on recriminations.⁴⁰

(U) CIA field and headquarters officials responsible for Iraq told Committee staff they believed that the NSC had been surprised by the opposition plans because the Chief of CIA's Near East (NE) Division made himself the only channel of communication with the NSC and did not tell the NSC about the uprising plans.⁴¹ The Chief of NE told Committee staff that he made himself the point of contact with the NSC to avoid mixed messages coming from the NE Division, but he said that his role in no way limited the CIA Iraq Headquarters element's ability to disseminate intelligence reporting on their activities. The Chief of NE also said he did not recall field elements sending in a "sharply articulated plan" and did not believe that the plan would succeed.⁴²

⁴⁰ CIA Operational cable, March 1995.

⁴¹ Staff interview with CIA officers.

⁴² Staff interview with CIA officer, March 10, 2006.

[REDACTED]

(U) The intelligence report disseminated on March 2, 1995 that explained the coup plan never made it to the White House, according to the Iraq Operations Group chief. He told Committee staff that he knew the National Security Council was surprised by the plan because after the uprising “numerous offices were torn apart trying to find this report, and eventually I believe it was found in the office of the DDO and that it didn’t go to the White House.”⁴³

(U) Animosity toward Chalabi from some groups within the CIA grew, particularly from those officers who had prior problems with Chalabi. For example, a cable from a European Station referring to the opposition operation as “the recent unpleasantness” recommended removing Chalabi from northern Iraq. The cable stated, “we hold Chalabi responsible for the debacle in the north” while recognizing that “he accomplished much for us before going off the rails. We would not be as far along as we are in the total effort against Saddam if we had not been able to stand on Chalabi’s shoulders.”⁴⁴ A response from CIA headquarters stated:

We are unsure of what station holds [Chalabi] responsible for, per [Station cable’s] debacle reference. If this applies to the infighting, that is the Kurdish “fact of life,” which the INC has always attempted to prevent. If this refers to [Chalabi’s] ill-advised association with [former official who planned the operation] and the Iranians, we concede his poor judgment. That said, the low-level series of attacks by opposition elements on the Iraqi military’s northern positions have had the salutary effect of further lowering Iraqi army morale and placing increased pressure on the Iraqi government.⁴⁵

⁴³ Staff interview with CIA officer, March 14, 2006.

⁴⁴ CIA Operational cable, March 1995.

⁴⁵ CIA Operational cable, March 1995.

[REDACTED]

(U) In a June 1998 letter to the Committee in response to the questions from Senate Majority Leader Trent Lott, the CIA stated:

The failed uprising with [a former regime official] in March 1995 caused us to reassess our relationship with Chalabi because he had unilaterally entered into this plan without consulting CIA while at the same time claiming that the United States supported the uprising.

(U) Yet, CIA's reporting outlined previously shows that Chalabi did not enter the plan unilaterally and did consult CIA from the beginning. Both field elements and CIA Headquarters' Iraq officials told Committee staff that Chalabi did inform field elements about the plan and that the CIA representative's role in working with Chalabi to seek the support of the Kurdish leaders did signal to the opposition that the plan had U.S. support.⁴⁶

(U) Concerns about Chalabi's meeting with the Iranians also fueled CIA resentment toward Chalabi. A 2004 assessment of Chalabi says the CIA placed him under scrutiny following this incident due to concerns about his "coziness" with Iranian intelligence and accused Chalabi of fraudulently acting on behalf of the U.S. Government when he alleged to Iranian intelligence that Washington was interested in enlisting Tehran's support for operations against Saddam. The assessment said, "Chalabi passed a fabricated message from the White House to an MOIS officer in northern Iraq. In addition, Chalabi claimed that U.S. warplanes would come to the aid of oppositionists."⁴⁷ The CIA representative that communicated with Chalabi in this period told Committee staff he had learned from investigators of this incident in which Chalabi had fabricated a message on National Security Council stationery that Chalabi let the Iranians see. He also told

⁴⁶Staff interview with CIA officers.

⁴⁷*Ahmad Chalabi's Ties to CIA*, Central Intelligence Agency, Directorate of Operations, July 1, 2004. p. 2.

[REDACTED]

Committee staff, however, that he knew Chalabi intended to seek Iranian support for the operation and knew that his presence outside the meeting was intended to signal U.S. support for the plan.⁴⁸

(U) Chalabi told Committee staff that he did seek Iranian support for the operation, but never fabricated a written communication from the White House or any part of the U.S. government.⁴⁹

(U) A Committee staff review of intelligence on the Iranian view of the meeting with Chalabi determined it was imprecise in its characterization. It did not indicate that Chalabi handed the Iranian intelligence officer a message, rather that Chalabi said the White House had sent the message that America welcomed Iranian involvement in the uprising.

(U) Chalabi also told Committee staff that he had long worked openly with the Iranians as part of his efforts to establish and maintain the INC, given that much of the Iraqi opposition was living in Iran and much of the opposition that traveled to northern Iraq had to transit through Iran.⁵⁰ CIA officers told Committee staff that they were aware at the time of Chalabi's frequent contact with the Iranians and travel to Iran.⁵¹ One CIA officer told Committee staff that "we always knew he was close with the Iranians" and added, "I did not want the [field elements] to be dealing with the Iranians. So sort of *in absentia* the only way you could know what the Iranians were doing would be through what Chalabi

⁴⁸ Staff interview with CIA officers.

⁴⁹ Staff interview with Ahmed Chalabi, January 31, 2006.

⁵⁰ Staff interview with Ahmed Chalabi, January 31, 2006.

⁵¹ Staff interview with CIA officers.

[REDACTED]

would tell us or not tell us and what we might pick up through corroborating intelligence.”⁵²

(U) The CIA reduced contact and support for the INC after the failed uprising and began intensifying efforts to develop contacts within the Iraqi military and other opposition groups.⁵³

(U) Chalabi said that despite his problems with the CIA, he still tried to warn them of specific Iraqi intelligence operations targeting U.S. intelligence capabilities. He said that in March of 1996 he arranged a meeting with then DCI John Deutch and the NE Chief and alerted them of one such attempt.⁵⁴ The NE Chief told Committee staff that he did attend the meeting with Chalabi and the DCI, but did not recall Chalabi making this point. He remembered Chalabi trying to sell himself as the only trusted opposition figure.⁵⁵ The CIA was unable to locate any operations traffic outlining the details of this meeting, but did provide a cable written in response to a news story about the meeting. The cable stated that the NE Division Chief said Chalabi made only perfunctory and general comments that CIA’s activities against Saddam were ineffectual and that whatever the CIA hoped to do against Saddam would not succeed without Chalabi’s involvement.⁵⁶

(U) The risk allegedly articulated by Chalabi was real and intelligence capabilities and assets were exposed. CIA officers told Committee staff that Saddam’s regime did use this vulnerability to communicate to a CIA asset in a Middle Eastern country that the CIA operation was exposed and that his children

⁵² Staff interview with CIA officer.

⁵³ Staff interview with CIA officers.

⁵⁴ Staff interview with Ahmed Chalabi, January 31, 2006.

⁵⁵ Staff interview with CIA officer.

⁵⁶ CIA Operational cable, April 2000.

[REDACTED]

would be executed. Saddam arrested hundreds of Iraqi soldiers and executed many of them, including the CIA asset's three children.⁵⁷

(U) Fighting between the Kurds continued into the summer of 1996. Chalabi told Committee staff that he learned that one Kurdish leader intended to invite Saddam's forces into northern Iraq to help him topple the other Kurdish group and that Chalabi alerted the CIA.⁵⁸ CIA officers told Committee staff that they were aware, from intelligence reporting, that Saddam was massing forces toward the border with northern Iraq.⁵⁹ In August 1996, Saddam's forces entered northern Iraq, executed 100 members of the INC, and forced the rest to evacuate.⁶⁰

(U) In December 1996, the Deputies Committee met and approved the termination of the CIA's relationship with the INC. According to a January 1997 memorandum:

As a result, however, of the incursion of the Iraqi army into Northern Iraq in August 96 and the subsequent evacuation of INC employees from Iraq, the INC lost its ability to serve as a unifying force in the Northern Iraq opposition milieu. Dr. Chalabi's general credibility within the Iraqi opposition, in particular with the KDP, as well as with USG's regional partners, has also diminished. Since the INC can no longer serve as a neutral arbiter in Northern Iraq and has limited effectiveness as an umbrella opposition organization, we concluded that the CIA should cease funding of the INC.⁶¹

⁵⁷ Staff interviews with NE Division Chief, and Ahmed Chalabi, January 31, 2006.

⁵⁸ Staff interview with Ahmed Chalabi, January 31, 2006.

⁵⁹ Staff interviews with CIA officers.

⁶⁰ Staff interviews with CIA officer.

⁶¹ CIA Memorandum [REDACTED], January 6, 1997.

[REDACTED]

(U) Former DCI George Tenet told the Committee in July 2006 that “there was a breakdown in trust and we never wanted to have anything to do with him anymore.”⁶²

(U) Chalabi told Committee staff that he was unable to keep the Kurdish factions from fighting because the U.S. did not provide the funding promised to help the INC establish a mediation force.⁶³ In February 1997, the CIA terminated its relationship with Chalabi and the INC.

(U) In 1998, Congress passed the Iraq Liberation Act, which authorized U.S. assistance to support a transition to democracy in Iraq and required that the President designate one or more Iraqi opposition organizations as eligible to receive federal assistance. In 1999, after President Clinton designated the INC as one of seven eligible organizations, the INC established the Iraqi National Congress Support Foundation (INCSF) as a tax-exempt corporation organized in the United States.⁶⁴ Beginning in March 2000, the Department of State entered into a series of cooperative agreements with the INCSF which included funding of almost \$33 million for several programs, including a weekly newspaper publication, radio and satellite television broadcasts into Iraq, a public information campaign, and the collection of information on the Saddam regime’s war crimes and crimes against humanity.⁶⁵

⁶² Committee interview with former DCI George Tenet, July 26, 2006.

⁶³ Staff interview with Ahmed Chalabi, January 31, 2006.

⁶⁴ Funding for the INCSF came from appropriations made to carry out the Economic Support Fund provisions of the Foreign Assistance Act of 1961, and was subject to all statutory conditions applicable to the obligation and expenditure of those appropriations.

⁶⁵ GAO Report to Congressional Requesters, State Department, *Issues Affecting Funding of Iraqi National Congress Support Foundation* (GAO-04-559), April 2004 and responses to questions from Committee staff, April 24, 2004 (SSCI# 2004-3535). While the first grant including funding for Information Collection activities was signed in September 2000, activities and expenditures were not ultimately authorized under that program heading

[REDACTED]

[REDACTED]

(U) From the outset, the Department of State was uncomfortable with part of the INC's original proposal that called for an INC office inside regime-controlled Iraq.⁶⁶ According to a General Accounting Office (GAO) report that examined issues affecting funding of the INCSF, State officials said, "the presence of U.S.-funded INCSF staff within Iraq could open the door to potentially disastrous diplomatic situations if INCSF operatives were caught and/or killed by Iraqi troops."⁶⁷ The Department of State told the Committee it was concerned about funding what it believed constituted a clandestine intelligence capability inside Iraq. According to the former Deputy Assistant Secretary of State for Near East Affairs, the bureau that handled the INC grant, he believed there was an incompatibility between the use of State Department Economic Support Funds – which usually fund economic and social development activities – for the INC and the INC's sense of its own mission, which was a national liberation movement. He told Committee staff that operations inside regime-controlled Iraq "whether for espionage purposes or for other purposes wasn't clear to me, but that was a constant element of tension between us and the INC. And I make no judgments on the validity of their agenda, simply that for an ESF-funded program it did not seem to me to be a good fit."⁶⁸

(U) The INC resisted the policy prohibiting operations inside Iraq, believing that doing so was essential for the success of its programs. The conflict between State and the INCSF about this issue delayed authorization and funding for INC collection activities until a March 2001 amendment to the cooperative agreement

until March 2001.

⁶⁶ According to Department of State responses to questions from Committee staff, the policy prohibiting INC programs inside regime-controlled Iraq was set by the Principals' Committee after extensive and thorough consideration of the risks and rewards of such action by the INC. The policy was reviewed on a number of occasions, but remained unchanged until just prior to start of Operation Iraqi Freedom. August 24, 2004.

⁶⁷ GAO Report to Congressional Requesters, State Department, *Issues Affecting Funding of Iraqi National Congress Support Foundation* (GAO-04-559), April 2004, p. 9-10.

⁶⁸ Committee staff interview with former Deputy Assistant Secretary of State Near East Asia, July 14, 2006.

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when the INCSF agreed that it would not operate in Iraq.⁶⁹ This cleared the way to finding the Information Collection Program (ICP). The March 2001 amendment authorized the INC to “continue its Information Collection Program from countries surrounding Iraq” and provided an office in Washington, D.C. for the “purpose of testing, analyzing, translating and distributing information received from Iraq.”⁷⁰

(U) Under the ICP, the INC used offices in Tehran, Damascus, and Cairo to maintain contact with Iraqi dissidents and collect information from them on the political, economic, and military activities of the Saddam Hussein regime. One of the goals was to “collect evidence on the Saddam regime’s war crimes and crimes against humanity and conduct media work to promote human rights and democracy in Iraq.”⁷¹ The information collected under the program was disseminated primarily through an aggressive publicity campaign that relied on media outlets to bring defectors and their information to the public. The Department of State told the Committee that it was generally aware that the INCSF was using the information from the ICP in the media, but did not provide the INCSF specific guidance in this area.⁷²

(U) In an October 2001 report to the Department of State, the INCSF provided information on ICP activities. The report, in outline form, included under field activities and training, “Release of internal reports,” “Collect sensitive information that reveal Iraq’s link with September 11th aftermath and anthrax

⁶⁹ GAO Report to Congressional Requesters, State Department, *Issues Affecting Funding of Iraqi National Congress Support Foundation* (GAO-04-559), April 2004, p. 10.

⁷⁰ U.S. Department of State, Amendment to Federal Assistance Award, Iraqi National Congress Support Foundation, March 31, 2001, p.3.

⁷¹ INC Proposal for a Grant Awarded by the U.S. Department of State to the INCSF to Advance and Establish Operational Programs, 2000.

⁷² Department of State responses to questions from Committee staff, August 24, 2004.

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exposures in USA,” “Successfully chasing after the Iraq intelligence activities in both Europe and USA,” and “Contacting defected Iraqi officers and held a meeting with them for better coordination.”⁷³

(U) The Department of State remained generally uncomfortable with handling the ICP, despite the INC’s agreement to stay out of Iraq. The April 2004 GAO report noted that “concerns grew in State that there were serious mishandling of money issues that needed to be examined in INCSF to avoid a potentially embarrassing situation for the administration and for State.” In addition, allegations of fraud circulated within State. The GAO report said that “in State’s view, the potential for fraud in an officially State-sponsored program posed a risk that State was not prepared to take.”⁷⁴

(U) A State Department Office of Inspector General (OIG) audit conducted September 2001 found financial management and internal control weaknesses. In particular the audit identified concerns about INCSF’s travel reimbursement procedures and its cash payment practices, but found no evidence of fraud.⁷⁵ The OIG found that many of the deficiencies occurred because of a lack of understanding of and unfamiliarity with U.S. government laws and regulations related to Federal Assistance awards.⁷⁶ For example, the OIG found that INCSF did not use U.S. flag carriers for overseas travel or always certify when non-U.S. flag carriers were used as required by federal travel regulations.⁷⁷ In a mid-2002 follow-up audit, OIG found that the INCSF had taken “significant steps to

⁷³ Office of Information Collection Program (ICP) Monthly Report from October/November 10th 200.

⁷⁴ GAO Report to Congressional Requesters, State Department, *Issues Affecting Funding of Iraqi National Congress Support Foundation* (GAO-04-559), April 200, p. 8.

⁷⁵ *Id.* at 8-9.

⁷⁶ Department of State, Office of Inspector General, Review of Awards to Iraqi National Congress Support Foundation, report number 01-FMA-R-092, September 2001, p. 6.

⁷⁷ *Id.* at 16.

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implement OIG's recommendations." The INCSF had not fully implemented all portions of the two recommendations, in part, because a lack of funding from the Department of State prevented them from paying for full implementation of several accounting upgrades.⁷⁸

(U) The April 2004 GAO report also said that State "doubted the value of information obtained through the information program."⁷⁹ However, the former Deputy Assistant Secretary of State for Near East Affairs told Committee staff that "my view all along was that there was apparently information being collected that I didn't see and therefore couldn't evaluate. I never held the view that I doubted whether the information was useful or not. I simply didn't know what it was, and therefore couldn't make an assessment." He added "my people were totally professional throughout, but I think there was clearly a greater degree of frustration farther down the line than I had to feel, and that probably led people from time to time to express a view that they doubted there was anything there, that there was really any substance in the [ICP] program at all."⁸⁰

(U) In a written response to the Committee, the State Department said the Department's Bureau of Near Eastern Affairs (NEA), which had overall responsibility for the program, believed it was unable to judge the ICP's "effectiveness because it did not have sufficient access to the information being produced." For example, in early 2002, Department of State staff visited the Washington, D.C. offices of the INCSF to observe INCSF operations. According to the Department of State, INCSF staff refused to allow the Department of State

⁷⁸ Department of State, Office of Inspector General, Follow Up Review of Iraqi National Congress Support Foundation, report number AUD/CG-02-44, September 2002, summary.

⁷⁹ GAO Report to Congressional Requesters, State Department, *Issues Affecting Funding of Iraqi National Congress Support Foundation* (GAO-04-559), April 200, p. 8.

⁸⁰ Committee staff interview with former Deputy Assistant Secretary of State Near East Asia, July 14, 2006.

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staff members access to ICP materials.⁸¹ NEA also believed it was unable to determine, without a professional assessment by the Intelligence Community, the value of the information the ICP did share.⁸² NEA believed, therefore, that the program should be managed by other agencies more experienced in managing intelligence collection.⁸³ These factors, in conjunction with the concerns about INCSF's accountability of funds and operational costs, prompted State to discontinue funding of the INCSF.⁸⁴

(U) In May 2002, the Department of State notified the INCSF that it had decided to cease all funding for the ICP.⁸⁵ The National Security Council Deputies Committee decided that the program should be continued and, on July 25, 2002, directed that the program be moved to the Department of Defense.⁸⁶ The Department of Defense assigned DIA to administer the ICP. DIA told the Committee it did not have advance knowledge of the Deputies Committee decision to move the ICP to the Department of Defense. CIA told the Committee that it provided memos to the NSC in December 1996 advising of the termination of CIA's relationship with the INC and that between January 1997 and July 2002 "there were several exchanges of views on the subject of the end of the CIA's relationship with Chalabi and the INC."⁸⁷ The Department of State retroactively approved a grant agreement to cover ICP costs incurred in June and July 2002 and ceased all funding of the INCSF on September 30, 2002.⁸⁸

⁸¹ Department of State responses to questions from Committee staff, March 31, 2006, Q3.

⁸² *Id.*

⁸³ Department of State responses to questions from Committee staff, August 24, 2004, #4b.

⁸⁴ Department of State responses to questions from Committee staff, August 24, 2004.

⁸⁵ *Id.*

⁸⁶ DIA response to Questions for the Record, March 23, 2004, p.1.

⁸⁷ CIA response to question from Committee staff.

⁸⁸ Department of State responses to questions from Committee staff, August 24, 2004.

[REDACTED]

[REDACTED]

(U) During the time it managed the program, the Department of State did not interview or debrief INC-affiliated sources.⁸⁹ The Department of State did receive documents from the ICP, which it provided to the Intelligence Community for review and analysis. A discussion of the analysis of those documents follows later in this report. Several Intelligence Community agencies conducted debriefs of INC-affiliated sources during this time period, details of which are also discussed later in this report.

(U) In late October 2002, the DIA assumed formal responsibility for the program. The letter of agreement between the Department of Defense and the INC stated that “the information collection effort will place primary emphasis upon debriefing Iraqi citizens worldwide who can establish and maintain a continuous flow of tactical and strategic information regarding Iraq, in general, and the Saddam Hussein regime, in particular.” Under the terms of the agreement between the DIA and the INC, the INC committed to “NOT publicize or communicate in any way with anyone any of its information collection operations or announce the names and activities of Iraqi expatriates without prior written authorization from DIA.” This was a distinct departure from the INC’s publicity activities under Department of State management. The INC also agreed to “NOT conduct any intelligence collection operations in Iraq without prior authorization from DIA.”⁹⁰ In a letter to the Committee in September 2002, Deputy Secretary of Defense Wolfowitz said the program would, “debrief Iraqi citizens presented by the Iraqi National Congress” as having information on key military and intelligence questions.⁹¹ The letter added:

⁸⁹ Department of State responses to questions from Committee staff, February 7, 2006.

⁹⁰ Letter Agreement between the Defense Intelligence Agency (DIA) and the Iraqi National Congress’ Information Collection Program (INC/ICP) on the Provision of Intelligence Support to INC/ICP, October 25, 2002.

⁹¹ Letter to Committee Chairman Bob Graham, September 12, 2002.

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The Iraqi National Congress will continue to provide access to Iraqi citizens who have fled Iraq and are believed to have pertinent knowledge. This is a continuation of a program under which the Department of Defense, specifically the Defense Intelligence Agency, has already debriefed certain individuals. The program is of special Congressional interest.⁹²

(U) The CIA told the Committee that beginning in August 2002 when the DIA coordinated with the CIA on the ICP, and continuing until early 2004, the CIA “voiced concerns to DIA counterparts about both counterintelligence issues and the overall reliability of the INC in a series of written and oral communications.”⁹³ DIA officials told Committee staff that CIA operations officers did raise verbal concerns that the INC was penetrated by Iranian, and possibly other, intelligence services and that the INC had its own agenda during DIA briefings about its intentions for the program, but provided no concerns in writing. One DIA officer noted that CIA’s comments had a general tone of “better you than us” and “you’ve got a real bucket full of worms with the INC and we hope you’re taking the appropriate steps.”⁹⁴

(U) The CIA provided the Committee with one cable sent to DIA in December 2002, in response to a DIA request for information about a senior INC official. The cable said that one source, of undetermined reliability, said the senior official was suspected of being an Iraqi intelligence officer and one source, also of undetermined reliability, said the official was a known Iranian intelligence service agent and was suspected of having ties to Iraqi intelligence. The CIA provided no

⁹² *Id.*

⁹³ CIA responses to Questions for the Record from the March 4, 2004 Hearing on Iraq Prewar Intelligence, February 25, 2005.

⁹⁴ Interview with DIA Officials, November 16, 2005.

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documentation to support its contention that concerns about INC reliability were expressed to DIA counterparts in writing or that there were a “series” of concerns expressed to DIA.

(U) DIA officers who were responsible for the program said they were already aware of these issues, and made sure to incorporate them into their assumptions and briefings about the program.⁹⁵ October 2002 DIA briefing slides about its plans for the program noted that two of DIA’s assumptions were that the “INC will use the relationship to promote its agenda” and the “INC is penetrated by hostile intelligence services.”⁹⁶

([REDACTED]) DIA’s briefing about its intentions for the ICP also said that DIA planned to have strong counterintelligence support [REDACTED] [REDACTED] as it implemented the program. DIA told the Committee that it used analysts in debriefing sessions, sometimes meeting directly with sources, to obtain first-hand feedback on intelligence information. DIA counterintelligence officers reviewed DIA’s operations and monitored intelligence and open source information for potential threats to DIA’s efforts. [REDACTED]

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([REDACTED]) The DIA provided the ICP monthly payments [REDACTED] throughout its operation of the program. In exchange, the ICP provided the DIA

⁹⁵ Interview with DIA Officials, November 16, 2005.

⁹⁶ DIA Operational Proposal, October 21, 2002, p.11.

⁹⁷ DIA response to Committee staff questions, April 27, 2006.

[REDACTED]

with access to overt sources for debriefings, and after the start of Operation Iraqi Freedom, Iraqi regime documents.⁹⁸ In the fall of 2003, approximately six months after the start of Operation Iraqi Freedom, the DIA began making plans to terminate its relationship with the INC to coincide with the establishment of a new Iraqi government in July 2004. A draft DIA memorandum drafted in January 2004 indicated that the DIA assumed the INC would become a full-fledged political party following the establishment of a new Iraqi government and that the ICP would become an intelligence-gathering arm of the party.⁹⁹ DIA officials told Committee staff that the DIA believed continued funding of such an organization would be inappropriate.¹⁰⁰

([REDACTED]) On May 12, 2004, the DIA notified the Committee that an Iraqi Criminal Court judge had issued an arrest warrant for a senior INC official [REDACTED]. The judge was reportedly investigating allegations of fraud and other offenses in connection with members of the INC, charges having nothing to do with the ICP.¹⁰¹ DIA officials told Committee staff that its recommendation to the Department of Defense to terminate the relationship with the INC had nothing to do with these charges.¹⁰² On May 14, 2004 the Department of Defense notified the Committee that it had decided to terminate its relationship with the ICP.¹⁰³ According to the Department of Defense, the decision was part of the process of transferring sovereignty to the Iraqi people in light of the impending standup of the Interim Iraqi Government on 1 July 2004. In addition there were

⁹⁸ DIA response to Questions for the Record, March 23, 2004, p.2.

⁹⁹ DIA response to questions from Committee staff, Draft Termination of the Relationship Between the DIA and the INC's ICP.

¹⁰⁰ Interview with DIA officials, February 10, 2006.

¹⁰¹ Congressional Notification, May 12, 2004.

¹⁰² Interview with DIA officials, February 10, 2006.

¹⁰³ Letter to SSCI Chairman Roberts from Deputy Secretary of Defense Wolfowitz, May 14, 2004.

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questions at the time about the reliability of the INC/ICP, and its utility for U.S. military operations in Iraq.¹⁰⁴ The arrest warrant was subsequently suspended.

¹⁰⁴ Letter to SSCI Chairman Roberts from the Under Secretary of Defense for Intelligence, April 25, 2006.

¹⁰⁵ Department of State responses to questions from Committee staff, April 24, 2004 and Responses to questions from Committee staff, November 25, 2005.

¹⁰⁶ *Iraq: Evaluation of Documents Provided by the Iraqi National Congress*, National Intelligence Council, August 9, 2002

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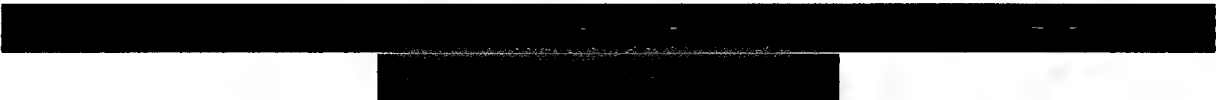
ADDITIONAL VIEWS OF CHAIRMAN ROBERTS

In a separate set of additional views, in which I was joined by Senators Hatch, DeWine, Chambliss, and Warner, I laid out my strong objections to the amended conclusions for this report which were ultimately adopted by the Committee. As I made clear in those views, I believe the adopted conclusions are not supported by the facts and contain numerous errors and omissions.

Despite my reservations about the adopted conclusions, I believe that the report's factual findings regarding the Iraqi National Congress (INC) and the information it provided to the U.S. Intelligence Community should be declassified to the greatest extent possible and reported out by the Committee to the full Senate and the American public. This transparent process allows the public to have access to the report's findings of fact, conclusions, and additional views and permits individual Americans to form their own judgments. It is for this reason that I voted to approve the INC Report.

Despite my concerns over the conclusions in the INC Report, I credit the Committee's investigative staff for their patience and reasonableness during the negotiations over this report. Staff began negotiating the factual findings of the INC report when the first draft was distributed in January 2006. Negotiations over the conclusions to the INC report began in May 2006. In the course of those negotiations, members – particularly my Democrat colleagues – made well over a hundred requests for changes to both the factual findings and conclusions of the INC report. Negotiating in good faith, the investigative staff was able to accommodate the overwhelming majority of these requests.

Some of the requests for changes, however, could not be accommodated. With respect to the negotiations over the conclusions, one of the challenges the Committee faced was a flawed notion that we should be able to reach a



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compromise on each conclusion. Certainly, in most negotiations there are areas for compromise. Sometimes, however, views can be so diametrically opposed that efforts at compromise are futile. In such cases, members must agree to disagree and move on. With respect to the INC conclusions, we were faced with just this scenario, and votes ensued to resolve the disagreements. That is the democratic process.

Of concern, however, is the notion that there is room for compromise when it comes to the facts. Diametrically opposed conclusions are one thing, but there is no room for compromise on the facts – they are accurate or they are not. Paraphrasing the late Daniel Patrick Moynihan, everyone is entitled to their own opinion, but not their own set of facts. I agree wholeheartedly. As Chairman, I encourage good faith negotiation and compromise when it is appropriate. However, I will continue to draw the line when it comes to amending conclusions in a way that mischaracterizes or ignores the underlying facts. I may lose some votes, but I will continue to hold to my premise that facts are stubborn things, and when it comes to the facts, there can and should be no compromise.

PAT ROBERTS.

[REDACTED]

**ADDITIONAL VIEWS OF CHAIRMAN ROBERTS JOINED BY SENATORS HATCH,
DEWINE, LOTT, CHAMBLISS, AND WARNER**

*If you're trying to say that the INC is the one that pushed us to go to war because
of the WMD reporting, that's wrong.*

— CIA Officer, Directorate of Operations

Over thirty years ago, the Select Committee on Intelligence was established to “oversee and make continuing studies of the intelligence activities and programs of the United States Government.” To meet our obligations to the Senate and the American people, the members of this Committee are provided with access to some of the most sensitive intelligence information possessed, and reporting produced, by the United States Government. We have a responsibility to ground our oversight in fact. Recommendations or conclusions drawn from our oversight should be based on these facts and sound intelligence policy – free from partisan political bias.

We met our obligations and responsibilities when the Committee produced the first phase of its review of prewar intelligence on Iraq. The Committee employed an exacting and thorough methodology in the first phase of our review. The hard work of members and staff culminated in the adoption of a unanimous report. That report identified significant, systemic failures in prewar intelligence on Iraq, and its conclusions contributed to needed reforms of our Intelligence Community. When we expanded the scope of our review, Committee staff were instructed to use that same approach for all five elements of “Phase II.”

Regrettably, with the adoption of the amended conclusions now contained in this report, the Committee has failed to meet its obligations and responsibilities as they relate to our review of the use by the Intelligence Community of information provided by the Iraqi National Congress (INC). These failures are

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borne out by the sharp divide between the findings and conclusions adopted by several members of the Committee, and the findings and conclusions – drawn from the fine work of Committee staff – that I, along with several of my colleagues, supported as the Committee considered this report. This failure led several members to vote against the adoption of the findings and conclusions of the report.

Despite many misgivings, the adoption of the findings and conclusions of this report allows the facts and circumstances to be presented to the entire Senate and, in unclassified form, to the public. Together with these additional views, this report represents a comprehensive understanding of the relationship of the Intelligence Community to the INC.

The Committee's review focused on how information provided by the INC was used by the Intelligence Community. Was the information included in Intelligence Community assessments? Did the information play a role in the Intelligence Community's judgments about Iraq's weapons of mass destruction (WMD) capabilities or its links to terrorism?

Understanding the role of INC information in Intelligence Community assessments was critical to the Committee's efforts. As the Committee began its review, there seemed to be a growing number of individuals charging that the INC engaged in a disinformation campaign to supply erroneous information to the Intelligence Community and that such information led to the Intelligence Community's failures in its prewar assessments on Iraq, particularly in its WMD assessments.

The facts detailed in the findings portion of this report (and outlined more briefly below) do not support this theory. Information supplied by the INC played only a minor role in the Intelligence Community's prewar judgments concerning

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Iraq's WMD programs or links to terrorism. As it relates to prewar assessments of Iraq's WMD programs, INC information did not significantly affect intelligence judgments. Only one key judgment in the October 2002 National Intelligence Estimate (NIE), *Iraq's Continuing Programs for Weapons of Mass Destruction* contained corroborating information from an INC-affiliated source and, according to the CIA, that judgment would not have changed had the information from that source not been considered. Indeed, of the 45 human intelligence (HUMINT) sources cited in the WMD NIE, only two were affiliated with the INC – and that does not account for the vast amount of information in the WMD NIE derived from signals intelligence, imagery, and HUMINT sources not specifically cited. The INC did not supply information used to support the Intelligence Community's key judgments about Iraq's links to terrorism.

These facts should be sufficient to lay to rest the myth that INC information led to the intelligence failure on Iraq. Indeed, the popular misconception is likely based on past, and continued, media reporting on these INC sources. Given the level of media attention the INC sources have received, it would be quite easy for an uninformed observer to conclude that these sources formed the bulk of intelligence supporting prewar intelligence assessments on Iraq. The conclusion is seemingly buttressed by several media organizations that reported the accounts that INC sources had provided to the Intelligence Community, often with embellishments that never made their way into intelligence products. Although the media chose to highlight the information provided by these INC sources, the facts demonstrate that the Intelligence Community did not.

Unfortunately, if the public focuses only on the conclusions adopted by several members of this Committee, they will not get the full story. ***The adopted conclusions are not supported by fact.*** Taken as a whole, they misrepresent the INC's relationship to the Intelligence Community, leaving the impression that the INC (with the knowledge and acquiescence of intelligence officials and policy

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makers) intentionally provided the Intelligence Community with false information in an effort to push the United States to war with Iraq. These conclusions – and the misconceptions they support – are a myth. The reality – while politically unappealing for some – is quite different.

To correct these errors, these additional views set forth the most troubling and significant examples of how the adopted conclusions misrepresent the relationship of the INC to the Intelligence Community and how the Intelligence Community used the information provided by the INC in prewar assessments.

The Intelligence Community's Use of INC Information

The amended conclusions suggest that the INC intentionally provided false information to the Intelligence Community and that the Intelligence Community used that information to support key judgments about Iraq's WMD programs and links to terrorism. These conclusions not only distort the extent to which the Intelligence Community used INC information, they mischaracterize the significance of the information that was used. As with most HUMINT reporting, some of the information provided by the INC was inaccurate, some was accurate, and some remains ambiguous, even today. The Committee, however, has no evidence to suggest that the INC intentionally provided false information.

The following section addresses the myths – either expressed or implied – in the amended conclusions.

Myth: **The Intelligence Community made extensive use of INC information and that information played a key role in assessments about Iraq's WMD programs and links to terrorism.**

[REDACTED]

Reality: INC information was not widely used by the Intelligence Community and played little role in the Intelligence Community's judgments about Iraq's WMD programs and links to terrorism.

The Intelligence Community agencies told the Committee that INC-affiliated reporting had a minimal impact on prewar judgments about Iraq. Despite evidence to the contrary, amended Conclusion 1 suggests that INC information played a significant role in the Intelligence Community's judgments about Iraq, particularly in judgments about Iraq's WMD capabilities and links to terrorism.

The Defense Intelligence Agency (DIA) told the Committee that INC sources and collected material were not instrumental in shaping DIA assessments of the former Iraqi regime's terrorist connections or the terrorist threat the regime presented. The DIA said it "considered this information – as well as other information of uncertain quality – as background information which had the potential of earning more credibility as additional data was collected, though it played no direct role in forming our assessments."

The State Department's Bureau of Intelligence and Research (INR) told the Committee that it viewed all reporting on Iraq from HUMINT sources with skepticism. The INR said "this reporting was seldom, if ever, used as the basis for judgments unless corroborated by other sources that INR deemed credible." With regard to the two INC-affiliated defectors whose information was included in the WMD NIE, the INR said their reports "did not influence any INR assessments relating to prohibited weapons programs." Regarding terrorism, INR said it "did *not* make much use of INC reporting on terrorism issues related to Iraq in the years before Operation Iraqi Freedom." (Emphasis in original).

[REDACTED]

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The CIA told the Committee that its analysts tended not to rely on non-specific prewar opposition reporting alleging WMD or terrorism-related activities “because they were not first-hand accounts from sources with verifiable access.” A CIA review of 23 INC-affiliated defector reports which contained WMD, terrorism, or other potentially significant information, said “few of the 23 reports were cited in CIA finished intelligence production or affected prewar assessments. As [the Committee] is already aware, reporting from [two sources] was used in assessments of Salman Pak, but our analytic judgments on those substantive issues did not rely solely on reports from those sources. Aside from those two sources, most of the other reports were of marginal value to the CIA finished intelligence production and had almost no impact on CIA analytic assessments.”³⁴²

The CIA comments corroborate the finding of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission). In its report, the WMD Commission wrote, “Over all, CIA’s post-war investigations revealed that INC-related sources had a minimal impact on pre-war assessments.” The WMD Commission noted that two INC-affiliated defectors whose information was included in the WMD NIE “had a negligible impact on the overall assessments.”

The Committee’s review supports the comments of the WMD Commission and the responses from the Intelligence Community. For example, as the findings portion of this report shows, the Committee found that only one Intelligence Community assessment used INC-affiliated reporting at all – the WMD NIE. In that NIE, the Intelligence Community used information from *only one* INC-affiliated source in support of *only one* key judgment – that Iraq had a mobile

³⁴²The CIA initiated this review at the request of Committee staff. Committee staff did not request that the CIA review reporting from the two defectors used in the WMD NIE because at this request, Committee staff was already aware that the reporting from these two sources had been used.

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biological weapons capability. According to a CIA review of this issue, “even without [that source’s] reporting, the bottom-line judgment at the time on Iraq’s overall mobile BW program would have remained the same.” The Intelligence Community used information from *only one other* INC-affiliated defector in the NIE in a separate text box which described a possible suspect nuclear facility. The information about the possible suspect facility was not included anywhere in the text or key judgments of the NIE and *played no role* in the NIE judgment that Iraq was reconstituting its nuclear program.

Intelligence Community agencies attached even less significance to INC-affiliated sources in their terrorism assessments. The CIA included intelligence reporting from only two INC-affiliated sources in its key terrorism assessment, *Iraqi Support for Terrorism*. The information was used in *only one paragraph* of the 32-page document. Furthermore, the paragraph described one defector’s information as “exaggerated,” and the other’s as not first-hand.

In addition to the key products described above, Intelligence Community agencies used INC-affiliated reporting in *less than 20 other products* about Iraq’s WMD programs and links to terrorism. By comparison, the Committee’s request for CIA’s assessments on Iraq’s WMD programs and Iraq’s links to terrorism from 1997 to March 2003 yielded over 40,000 finished intelligence products. *In other words, when compared to more than 40,000 finished CIA intelligence products, INC information was included in about 20 Intelligence Community reports – a minuscule 0.05% of CIA’s intelligence products on these issues and an even smaller amount of community products.*

Two conclusions drafted by the Committee’s investigative staff more accurately reflect the extent to which the Intelligence Community used INC information in key assessments. The conclusions accurately detail the lack of impact that this information had on prewar intelligence assessments.

[REDACTED]

[REDACTED]

Accordingly, we would have concluded the following with respect to the use of INC information concerning Iraq's WMD programs:

Conclusion: Information from the INC and INC-affiliated defectors was not widely used in Intelligence Community products and played little role in the Intelligence Community's judgments about Iraq's WMD programs.

The Intelligence Community used information from two INC-affiliated defectors in the NIE, but the information was not used as the primary basis for any of the key judgments about Iraq's WMD capabilities. In one case, analysts assessed reporting from an INC-affiliated defector as corroboration of other primary source reporting about Iraq's mobile biological weapons production capabilities. In the other case, a defector's information formed the basis for Intelligence Community concerns that an Iraqi facility may have had a nuclear association. Of the thousands of reports sent to the Committee as supporting documentation for the October 2002 NIE, only five were from these two sources.

With respect to the use of INC-related information concerning Iraq's links to terrorism, we would have concluded:

Conclusion: The Intelligence Community made little use of INC-affiliated defector information in its assessments about Iraq's links to terrorism. Some of these assessments mischaracterized the content and the credibility of the reporting. The CIA and the DIA used intelligence reporting from two INC-affiliated defectors in intelligence assessments discussing alleged special operations training of non-Iraqi Arabs at Iraq's Salman Pak Unconventional Military Training Facility. Most of the assessments describe the

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[REDACTED]

defectors as not having direct access to the information and in some cases described the information they provided as “questionable” or “exaggerated.” Ironically, despite describing that reporting as exaggerated, three of the CIA assessments which used INC-affiliated information actually mischaracterized both the content and some of the concerns about the reporting, making it appear more sensational and questionable than it was. The CIA assessments said the defectors alleged that “al-Qa’ida and other non-Iraqis engaged in special operations training at Salman Pak,” but the defectors had reported the training of only non-Iraqi Arabs, not al-Qa’ida members. In addition, the assessments said that two of the defectors did not have direct access to the reporting they provided. In one case, the defector did have direct access. In the other case, the CIA was not in a position to judge the access of the defector because the CIA had never spoken to the defector and did not know his identity. The analysts used the information from a magazine article which described an unnamed defector.

Characterization of INC-related Sources and Information

As with most HUMINT reporting, information provided by INC sources to the Intelligence Community was a mixed bag – some was accurate, some inaccurate, and some, even in hindsight, remains ambiguous. What is clear, however, is that the Intelligence Community used information from **only one** INC-affiliated defector to support **only one** key assessment in prewar intelligence products. No other INC information, inaccurate or accurate, was used to support any other key assessments.

[REDACTED]

[REDACTED]

Myth: False information was used to support key assessments.

Reality: The Intelligence Community used *only one* claim from an INC-affiliated defector in support of *one* NIE key judgment. While postwar findings indicate that information from this one defector did turn out to be wrong, the Intelligence Community likely would not have altered its judgment even without his information.

As discussed previously, the only INC-affiliated defector who has been determined to be a “fabricator” was the source who reported on Iraqi efforts to establish mobile biological laboratories. The Intelligence Community used his reporting to corroborate information from another source, code-named CURVE BALL, for the Intelligence Community’s key judgment that Iraq had mobile facilities for producing bacterial and toxin BW agents. It should also be noted that the source, contrary to the claim in amended Conclusion 2, reported on biological laboratories, not biological *weapons* laboratories. The postwar findings of the Iraq Survey Group (ISG), which included no evidence of any mobile biological programs for weapons or research, do not support the defector’s prewar claim.

While information from this one defector was wrong, the CIA said the judgment that Iraq had a mobile biological weapons program would not have changed even without this source’s information.

Myth: One INC-affiliated defector provided false information about a suspect nuclear facility.

Reality: Although there are several questions raised by postwar findings about one INC-affiliated defector, the source has not been labeled a fabricator and his reporting has not been recalled.

[REDACTED]

[REDACTED]

Importantly, in his reporting about the “suspect facility,” the source never claimed it was a suspect *nuclear* facility.

The source who provided information about an Iraqi facility, described by the Intelligence Community in the NIE as a possible suspect nuclear facility, has never been determined to be a fabricator and his reporting has not been recalled. It is also important to note that the defector never claimed that the facility was a nuclear facility. According to analysts involved in his debriefings, the source identified what he thought was a *suspect* facility, but he never claimed any knowledge of work at the facility related to a nuclear weapons program. Intelligence Community analysts judged that the facility was a possible suspect *nuclear* site, *not the source*.

After the war, the CIA took the defector to the facility the Intelligence Community believed he had identified as the suspect facility based on his description. While at the facility, the defector could not identify where he was. According to one CIA analyst, many of the details about the facility were exactly as the defector had described. The analysts could not explain why the defector did not recognize his surroundings. Some analysts have speculated that the defector was provided with the information about the facility by someone else. On the other hand, it is also possible that the Intelligence Community identified the wrong facility.

This defector provided information for over 250 raw intelligence reports prior to the war. *Only four* were related to the possible suspect facility. Although postwar information indicates that the defector had likely never been to the facility that the Intelligence Community identified based on his description, the ISG visited several other sites identified by the defector and confirmed his information pertaining to those facilities. The CIA also took the defector to another facility he had identified prior to the war, and the defector was able to quickly identify the

[REDACTED]

[REDACTED]

specific room where he said he had worked. The CIA was able to corroborate this information.

Regarding the overall authenticity of his reporting, a CIA postwar review said, “[T]here is little doubt that the subject was in fact [a contractor who worked at various Iraqi facilities]; and his reporting on Iraq’s military infrastructure and conventional facilities, areas that are commensurate with his access, has generally been corroborated.”

We simply do not know, and probably will never know, the reason the source could not identify the facility to which the CIA took him. It is possible that he was provided information about the facility by someone else. In that case, the information he provided about the facility might still have been accurate – even if his direct relationship to the facility was false. It is also possible that the Intelligence Community identified the wrong facility. The Intelligence Community’s identification was based on the source’s verbal description and written diagrams. When the facility was first identified by the Intelligence Community in 2002, there were discrepancies between his reporting and the identified facility. For example, the defector reported that construction of the facility had begun in 1999, but construction on the site identified by the Intelligence Community began in the summer of 1998. In addition, the facility identified by the Intelligence Community was located on the eastern side of a specific river, but the defector told his debriefers he did not recall seeing the river adjacent to the construction site. We do not know whether these discrepancies are because the source had never been to the facility or because the Intelligence Community identified a different facility. When all of these facts are considered, it is clear that the Committee’s adopted conclusion fails to accurately describe the source and the information he provided.

[REDACTED]

Myth: Claims to the Intelligence Community from two defectors that non-Iraqi Arabs trained at Salman Pak were false.

Reality: The Iraq Survey Group found that an Iraqi intelligence directorate trained “Palestinians, Syrians, Yemeni, Lebanese, Egyptian, and Sudanese operatives in counterterrorism, explosives, marksmanship, and foreign operations at its facilities at Salman Pak.”

Information from the two sources highlighted in amended Conclusion 2, who reported on the training of non-Iraqi Arabs at the Salman Pak training facility in the mid-1990s, has not been proven false. The Committee has received no evidence that either confirms or denies whether such training of non-Iraqis took place at Salman Pak.

The Committee has been able to confirm the presence of an aircraft at the facility and that the Iraqis used the facility for special operations training, as described by the defectors. In addition, the ISG found that an Iraqi intelligence directorate, M14, which was responsible for training and special operations missions, used the Salman Pak facility to train Iraqi, Palestinian, Syrian, Yemeni, Lebanese, Egyptian, and Sudanese operatives in counterterrorism, explosives, marksmanship, and foreign operations. Thus, it is clear that amended Conclusion 2 overstates what is known about training at Salman Pak and mischaracterizes what can be concluded about the information provided by the INC-affiliated sources who reported on the facility.

Myth: These INC-affiliated defectors exaggerated claims to the Intelligence Community.

[REDACTED]

[REDACTED]

Reality: Intelligence Community officers acknowledge that press accounts were exaggerated versions of what these defectors told the Intelligence Community, but they do not know whether the defectors exaggerated their accounts themselves, whether translators exaggerated the accounts, or whether reporters did not accurately report what the defectors said.

Amended Conclusion 2 cites a CIA operations cable which said information from one of the defectors who reported about Salman Pak “is inaccurate and appears aimed at influencing U.S. (and probably Western) policy.” According to CIA officials, however, this comment related to the source’s appearances in the press and not to the information he provided during his debriefings with the Intelligence Community. In addition, these officers acknowledged that they do not know whether the defector exaggerated his account to the press, whether a translator exaggerated the story, or whether the reporters did not accurately report what the defector said. The CIA officers only know that the press story was an exaggerated version of what the defector told his Intelligence Community debriefers. A CIA assessment following the defector’s press appearances stated that the “the information [the defector] provided to debriefers was less sensational, more detailed, and more credible than depicted in [the media.]”

Amended Conclusion 2 also argues that a second source who reported on Salman Pak training claimed that his press accounts had been distorted by an INC translator who participated in the press interview. The alleged “distortions” related to press claims that the defector had been a terrorist trainer at Salman Pak for eight years. In reality, the defector told the Intelligence Community that he commanded a Fedayeen Saddam unit which trained at Salman Pak for almost a year, but was not a terrorist trainer himself. The amended conclusion omits that the CIA case officer who debriefed the source told the Committee that the source did not say that he *knew* his remarks had been distorted. In fact, the source only

[REDACTED]

[REDACTED]

believed his remarks had been distorted because, after the source's short responses to questions, the INC translator would speak in English for long periods.

Amended Conclusion 2 also fails to reflect that Committee staff reviewed a tape recording of the press interview with the source in which INC officials participated and an INC member translated. A U.S. government contract translator reviewed the tape recording and told Committee staff that the source was not mistranslated. In a few cases, the translator added "definitely" to the source's responses and, in one instance, added "all over the world" to the source's comment that the terrorist training was intended to target American interests and the American military. Neither the source, nor the translator, ever claimed that the source provided terrorist training himself. Instead, the defector only indicated that he was at the camp where such training was provided and that he was there for only a year. In several instances the translator responded to the reporter's questions without actually asking the source, most often because the defector had already responded to the question previously. Much of the interview involved the INC officials providing information about another INC-affiliated individual.

Myth: Intelligence Community agencies debriefed only five INC-affiliated defectors prior to Operation Iraqi Freedom.

Reality: The Defense Intelligence Agency debriefed 14 additional INC-affiliated sources. Some of the information from these defectors was wrong, but much proved to be correct and some was valuable during Operation Iraqi Freedom.

In addition to the five defectors referenced in amended Conclusion 2, the DIA debriefed 14 other defectors prior to the start of Operation Iraqi Freedom. The sources reported on a variety of topics, including regime biographic and personality information, Saddam's palaces, tribal loyalties, Iraqi concealment

[REDACTED]

[REDACTED]

efforts, prohibited procurement, the Fedayeen Saddam, military order of battle, Iraqi intelligence, the movement of prohibited weapons, and the locations of suspect WMD facilities. *None of these defectors is mentioned in the amended conclusion.*

According to the DIA, its experience with INC-affiliated sources was typical of its experience with all HUMINT. Some INC-affiliated sources provided verified and useful information that directly supported contingency planning and operations for Operation Iraqi Freedom. In other instances, the information was vague, incorrect, or unverifiable. INC-affiliated reporting was “highly useful,” according to the DIA, in identifying important medical facilities. INC-affiliated reporting confirmed facility locations, identified new facilities, and provided a means for deconflicting previously erroneous geographic coordinates provided by other sources. Most of the information was used for “no-strike” targeting to avoid civilian casualties.

Reporting from several INC-affiliated sources on Iraq’s internal security apparatus was corroborated by either open or other classified sources of information and contributed to the Intelligence Community’s baseline understanding of this issue. According to the DIA, information on internal security was largely accurate.

In addition, DIA postwar memoranda from June through September 2003 noted that INC sources provided real-time intelligence that identified sensitive site locations used by CENTCOM for coalition strikes. The INC also provided sources with information on forged travel documents of known terrorists and on UN sanctions violations. The INC also identified, and supplied a picture of a senior member of al-Qa’ida who was previously unknown to the Intelligence Community.

[REDACTED]

While the Intelligence Community's handling of the INC Information Collection Program after the start of OIF was not within the scope of this report, it is important to note that the program's source handlers contacted, and brought in for debriefing, fourteen nuclear specialists sought by the ISG. The INC Information Collection Program led to numerous force protection leads, including credible threats against coalition forces and the arrest of two high value targets from the "top-55 blacklist." The INC provided access to a large volume of material including Ba'ath Party military records, Baghdad police records, and thirty-one footlockers of Iraqi Intelligence Service records. The INC provided information used by CENTCOM for target lists and battle damage assessments.

Myth: The INC, through defectors, provided false information aimed at influencing U.S. policy.

Reality: The Committee has no evidence that the INC intentionally provided false information.

The INC had a clearly articulated agenda, publicly outlined in 1992: (1) the overthrow of the Saddam Hussein regime; (2) the establishment of democracy in Iraq; and (3) the trial of Saddam Hussein and his regime. *Having evidence that the INC had an agenda is one thing. Proving that the INC intentionally provided false information to achieve that agenda – as suggested in amended Conclusion 2 – is something quite different.*

Much like reporting from 45 other HUMINT sources cited in the October 2002 NIE, information from some INC-affiliated defectors proved to be wrong. The Committee has no indication, however, that the INC-affiliated sources intentionally provided false information. In fact, several officers from the CIA – some of whom were clearly not supporters of Ahmed Chalabi or his agenda – told Committee staff that they believed that INC individuals who were engaged in the

[REDACTED]

[REDACTED]

broad effort against the Saddam regime, “really did believe what they were saying about WMD.”

Amended Conclusion 2 highlights a memorandum that claimed “the INC did attempt to convince US policymakers that Iraq posed a WMD threat,” but the conclusion tells only half the story. The author of the memorandum told Committee staff, “[A]s an attempt to influence government policy, my judgment is that most of the people involved in that did believe in what they were saying on WMD.” He continued,

[W]e found no evidence that they found some person and said you’re going to make up this story and you’re going to go to the public and you’re going to tell them about this, even though you had no connection to it. There’s no evidence of that. It was, hey, we heard of a guy who says he knows where something is; let’s make sure we get him out into the public right away.

Another CIA officer said,

[I]f the answer is we’re trying to find out whether the INC provided reporting that was fallacious that we then put out to influence the U.S. Government, there was very little INC reporting or INC-affiliated reporting on the WMD issue. It was mostly political and regime change.

That officer further noted, “[I]f you’re trying to say that the INC is the one that pushed us to go to war because of the WMD reporting, that’s wrong.”

Amended Conclusion 2’s assertion – that the INC provided false information through defectors directed at convincing the United States that Iraq

[REDACTED]

[REDACTED]

possessed WMD and had links to terrorists – does not make sense given the actions of the INC-affiliated defectors. If INC-affiliated defectors were directed to convince the United States that Iraq possessed WMD, certainly they would have actually reported to have seen WMD materials or efforts. If INC-affiliated defectors were directed at convincing the United States that Iraq had links to terrorists, surely they would have provided more concrete links of al-Qa'ida or terrorist connections. If INC-affiliated defectors were directed to convince the United States that Iraq possessed WMD and had links to terrorists, these issues should have made up the bulk of INC-affiliated defector reporting. In fact, the majority of the INC-affiliated defectors reported on non-WMD and non-terrorism topics and some reported on issues that were not helpful to the INC's agenda.

The same CIA review team that said the INC did try to influence U.S. policy concluded:

We did not, however, find evidence that the INC had conducted a classic disinformation/deception campaign against the US government. We do not see classic warning markers of such a campaign, such as an unambiguous, clear, and concrete chain of evidence showing Iraq in absolute violation of UN WMD resolutions, and multiple, corroborative sources presenting consistent unambiguous information in support.

When all these facts are viewed together and in context, it is clear that there is no support for the implication of amended Conclusion 2 – that the INC intentionally provided false information to the U.S. government.

[REDACTED]

[REDACTED]

[REDACTED]

“Warnings” from U.S. Government Agencies about the INC

Myth: The National Security Council Deputies Committee ignored “warnings” from several agencies about counterintelligence and financial problems with the INC.

Reality: The Committee has no information that the Deputies Committee received any warnings about continuing the government’s relationship with the INC.

Amended Conclusion 5 suggests that the Deputies Committee had specific “warnings” prior to its decision to move the INC Information Collection Program

[REDACTED]

[REDACTED]

to the Department of Defense. The conclusion asserts that the State Department “warned” of INC financial mismanagement and that the DIA “cautioned” that the INC was penetrated by hostile intelligence services. The Committee has no information that the Deputies Committee was warned or cautioned at all.

A State Department Inspector General (OIG) audit in September 2001 did find financial management and internal control weaknesses related to the INC grant. The audit found, however, that these problems occurred due to a lack of understanding of, or lack of familiarity with, cumbersome laws and regulations related to federal assistance awards, such as the requirement to use U.S. flag carriers for overseas travel. In a mid-2002 follow-up audit, OIG found that the INC had taken “significant steps to implement OIG’s recommendations.” The Committee has no information that the State Department “warned” the Deputies Committee about this issue.

The State Department told the Committee that it believed the INC Information Collection Program contained a clandestine collection capability and, “therefore, should be managed by other agencies more experienced in managing covert intelligence collection.” Rather than ignoring an alleged State Department “warning,” the Deputies Committee appears to have done exactly what the State Department wanted – it transferred responsibility for the program to the Department of Defense, which had the DIA manage and operate the program.

DIA officials told the Committee that they did not have advanced notice of the Deputies Committee decision. The DIA, therefore, was not in a position to “caution” the Deputies Committee about its decision. Regardless, the Committee has no information that the DIA “cautioned” anyone at any time about INC counterintelligence issues. The DIA was aware that the INC may have been penetrated by foreign intelligence services and was aware that the INC had an agenda. The DIA did include this information in its own “assumptions” about the

[REDACTED]

[REDACTED]

group and, accordingly, increased its counterintelligence efforts against the group. The DIA included the assumptions in briefings to Congress – including briefings to the staff of this Committee – but did not characterize the assumptions as cautionary.

The CIA told the Committee that it had notified the Clinton Administration that it terminated its relationship with the INC because the INC had lost its ability to serve as a unifying force in northern Iraq and that it had limited effectiveness as an umbrella opposition organization. The CIA also said that between 1997 and July 2002 it had “several exchanges of views on the subject of the end of the CIA’s relationship with Chalabi and the INC,” but the CIA did not say specifically what views it expressed and to whom the CIA expressed those views. The CIA did not describe its views as “warnings.” The CIA said it expressed “concerns” to the Department of Defense in December 2002, but this was *six months after* the Deputies Committee decision.

In September 2002, Deputy Secretary of Defense Wolfowitz informed this Committee and other Congressional committees about the program, noting that it would “debrief Iraqi citizens presented by the Iraqi National Congress” as having information on key military and intelligence questions. The letter added:

The Iraqi National Congress will continue to provide access to Iraqi citizens who have fled Iraq and are believed to have pertinent knowledge. This is a continuation of a program under which the Department of Defense, specifically the Defense Intelligence Agency, has already debriefed certain individuals. The program is of special Congressional interest.

If the supporters of this amended conclusion, many of whom were members of this Committee at the time of this notification, believed the Deputies Committee

[REDACTED]

[REDACTED]

decision was “ill-advised,” perhaps they should have written to Mr. Wolfowitz or the DIA Director, or taken some other action, to express their concerns.

We believed then, as we do today, that the Intelligence Community should not disregard potential sources of information simply because they have an agenda, or because of counterintelligence concerns. Intelligence is a tough business, especially when dealing with HUMINT sources. They *all* have agendas; they all raise counterintelligence concerns. Accordingly, we would have concluded the following:

Conclusion: The Committee believes that intelligence collectors should seek to exploit all potential sources of human intelligence (HUMINT) regardless of their agenda. Furthermore, the Committee rejects the idea that opposition sources are inherently more unreliable than other HUMINT sources. While opposition sources usually have a clearly articulated agenda – removal of the regime to which they are opposed – all HUMINT sources should be presumed to have an agenda. The Intelligence Community often tells the Committee that HUMINT sources take great risks when they cooperate with U.S. intelligence officers. They are motivated to do this for a reason, whether to make money, be relocated, or undermine a government. It is the responsibility of intelligence officers to determine and understand that motivation, exploit it if possible, and accurately report what the source says with appropriate warnings or caveats about the source’s agenda. It is the responsibility of analysts to assess the information, take account of the warnings, and convey the information and their judgments to policymakers accordingly.

The CIA’s resistance to dealing with the INC because of the group’s agenda may have caused the agency to miss potential collection

[REDACTED]

[REDACTED]

opportunities. For example, an INC-affiliated defector told the CIA in February 2003 that an Iraqi intelligence officer told him that “Iraq was providing true and accurate information to the UN inspectors and noted that Iraq was ready for war.” The CIA headquarters told the CIA Station involved that given several concerns, including the defector’s past exposure in the media and his employment with the INC, “we do not have any operational interest in further pursuing [the Iraqi] at this time.” The information was never disseminated in intelligence reporting to analysts or policymakers.

CURVE BALL and the INC

Myth: **There is an insufficient basis to determine whether CURVE BALL, the key source of intelligence about Iraq’s alleged mobile biological weapons program, provided his information at the behest of the INC.**

Reality: **While we cannot rule out that CURVE BALL provided his information at the behest of the INC, we have enough information to judge that it is unlikely.**

While we certainly cannot rule out that CURVE BALL provided his information at the behest of the INC, the INC’s modus operandi leads to the conclusion that it is unlikely. Several of the facts related to this issue were omitted in amended Conclusion 8. This is unfortunate. While we can understand that reasonable people may come to different opinions based on the same evidence, the decision to distort the facts, by eliminating some of them from the final conclusion, is not in keeping with this Committee’s record of forthrightness.

[REDACTED]

Amended Conclusion 8 kept the portion of the Committee staff's drafted conclusion which said, "CIA also assessed that CURVE BALL did not fit the pattern of the typical INC-influenced defection in that the INC did not broker his introduction to the Intelligence Community and did not put him in front of the media." But, the amended conclusion struck the next portion of explanation:

Throughout its history with the Intelligence Community, until October 2002 when the INC agreed to refrain from media exposure for its defectors, the INC actively and persistently courted the media with its defector information. Almost immediately upon locating a defector with information deemed pertinent, the INC brought the defector to the media to tell his or her story and ensure that the INC's role in finding the defector was acknowledged. The INC was even more adamant about maintaining an intermediary role when it brought defectors to the Intelligence Community. CURVE BALL's case, in which a foreign intelligence service approached him, does not fit this pattern.

This is significant because the amended conclusion omits the explanation that CURVE BALL was not paraded before the media nor did he have his relationship brokered with the Intelligence Community, as was the case with all of the other INC-affiliated defectors. CURVE BALL was not even a walk-in source who offered up a story about Iraq's mobile biological weapons program. CURVE BALL was identified by a foreign government service when he applied for asylum. During a standard screening process, the foreign government service reviewed the paperwork he submitted as part of his asylum application and noticed that he had previously been a civil engineer in Iraq.

To conclude that the INC played a role in CURVE BALL's introduction to the Intelligence Community, one must ignore all of the facts regarding the INC's

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[REDACTED]

standard methods of introducing potential sources to the Intelligence Community and their record of taking credit for those introductions in the media. More significantly, one must also embrace the notion that the INC encouraged CURVE BALL to apply for asylum in the hope that the foreign government would spot him, question him, and find his information so valuable that they would pass it to the U.S. Intelligence Community. ***This tortured scenario does not pass the common-sense test, particularly when the INC was having no difficulty introducing sources directly to the U.S. Intelligence Community.***

The only connection of any kind between CURVE BALL and the INC is that the ISG determined that CURVE BALL's relative was an INC member. The ISG learned that the relative had contacted CURVE BALL in 2001, on behalf of the INC, to ascertain whether CURVE BALL had any information on secret or sensitive Iraqi projects that would have helped boost the case against Iraq at the UN. CURVE BALL told his relative he did not. The relative also said that he had minimal contact with CURVE BALL since CURVE BALL defected, which the CIA says is consistent with phone records they have been able to locate. By the time the relative called CURVE BALL in 2001, CURVE BALL had already provided extensive information about the alleged mobile biological weapons program to debriefers.

We are left to conclude that the CIA's assessment is correct – that CURVE BALL did not fit the pattern of the typical INC-influenced defection and that the INC probably played no role in CURVE BALL's fabrication.

We understand the desire to blame someone else for CURVE BALL, and we understand the intent in the amended conclusion – to leave the door open to the possibility that our own Intelligence Community was not responsible for this intelligence failure. It would be somewhat of a relief if there was evidence that the INC tricked the Intelligence Community into believing CURVE BALL's story.

[REDACTED]

[REDACTED]

But, the Committee has uncovered no such evidence. Just as there is no evidence that INC information was the basis for the Intelligence Community's judgments about Iraq's WMD programs.

Accordingly, we would have concluded the following with respect to CURVE BALL's relationship with the INC:

Conclusion: It is unlikely that the HUMINT source CURVE BALL, the Intelligence Community's primary source of intelligence about Iraq's alleged biological weapons program, provided his information at the behest of the INC. Beginning in 2000, CURVE BALL provided information to a foreign liaison intelligence service alleging that Iraq had a mobile biological weapons program. CURVE BALL was the key source that led the Intelligence Community to judge in the October 2002 National Intelligence Estimate (NIE) on Iraq's WMD capabilities that "Baghdad has mobile facilities for producing bacterial and toxin BW agents." The Iraq Survey Group's (ISG) investigation of CURVE BALL's information in the summer and fall of 2003 revealed that CURVE BALL provided false information to the Intelligence Community prior to the war. The ISG also discovered that CURVE BALL had a relative who had worked for the INC since 1992, which led to initial suspicion in the Central Intelligence Agency that CURVE BALL may have provided false information at the INC's behest.

The CIA has since concluded that CURVE BALL's relative's connection to the INC was coincidental. The CIA based its conclusion, in part, on the fact that CURVE BALL's relative said he maintained minimal contact with CURVE BALL but that he did call CURVE BALL in 2001 on behalf of the INC to ascertain whether

[REDACTED]

[REDACTED]

CURVE BALL had any information on secret or sensitive projects in Iraq. The CIA says this account is consistent with phone records they have been able to locate. According to the relative, CURVE BALL said he had no information to provide. The CIA did not ask CURVE BALL himself about this conversation or whether he had been coached or directed by the INC, believing that CURVE BALL would terminate contact if the CIA questioned him about his family. While the Committee believes the CIA should have asked him, in the end, an admission or denial in this regard would not have been dispositive.

The CIA also assessed that CURVE BALL did not fit the pattern of the typical INC-influenced defection in that the INC did not broker his introduction to the Intelligence Community and did not put him in front of the media. Throughout its history with the Intelligence Community, until October 2002 when the INC agreed to refrain media exposure for its defectors, the INC actively and persistently courted the media with its defector information. Almost immediately upon locating a defector with information deemed pertinent, the INC brought the defector to the media to tell his or her story and ensure that the INC's role in finding the defector was acknowledged. The INC was even more adamant about maintaining an intermediary role when it brought defectors to the Intelligence Community. CURVE BALL's case, in which a foreign intelligence service approached him based on their review of his asylum paperwork which indicated that he had been an Iraqi civil engineer, does not fit this pattern. In addition, three INC officials have told the Committee that the INC had no involvement with CURVE BALL, does not know who CURVE BALL is, and has never attempted to bring sources to the Intelligence Community, or anyone else, without openly acknowledging the INC's role.

[REDACTED]

[REDACTED]

The Intelligence Community does not fully understand why CURVE BALL provided false information, and may never know. While the Committee cannot rule out that CURVE BALL was influenced by the INC, the available information supports CIA's conclusion that the INC probably played no role in CURVE BALL's fabrication.

Conclusion

The findings contained in this report are, for the most part, an accurate depiction of the results of the Committee's inquiry. The findings tell the actual story of the Intelligence Community's use of information obtained from the INC. It is our hope that the American people will read the factual findings contained in the body of the report and reach their own conclusions. They should not rely on the adopted conclusions attached to this report. These conclusions are replete with inaccuracies and omissions; they are not consistent with the facts found by the Committee's inquiry. These conclusions do not meet the Committee's obligations to the Senate and to the American people.

We are concerned that members of the Committee have perpetrated the very offense for which they so often charge the Intelligence Community and the Administration. Whether these actions were based on politics, a lack of objectivity, or the desire to meet theoretical public expectations, a majority of the Committee chose to support amended conclusions that rely upon "cherry-picked" facts to validate preconceived notions concerning the INC's relationship with the Intelligence Community.

We find this action alarming. When the Select Committee on Intelligence knowingly approves facts and conclusions that contain the inaccuracies, omissions and mischaracterizations outlined above, it begins to diminish its own credibility. Once diminished, that credibility will be difficult to regain.

[REDACTED]


[REDACTED]

These distorted facts and conclusions are enough to call into question the utility of the INC report, but we also believe these facts demonstrate that Phase II has devolved to an exercise with no oversight value. It does nothing to advance the Senate's oversight of the intelligence activities of the U.S. Government.

Make no mistake, the Intelligence Community needs oversight. Rather than perpetuating an ongoing effort to rewrite history, the Committee should be focusing all its resources on a host of troubling issues: monitoring Intelligence Community reforms, balancing acquisition requirements with budgetary constraints, correcting the flawed tradecraft which led to the Iraq intelligence failure, and assessing collection and analysis of intelligence on Iran, North Korea, and al-Qa'ida. If anything, the recently revealed terrorist plot in Britain underscores the continuing threat facing the nation. Our enemies are focused. They continue to develop innovative and insidious methods to kill Americans and attack our way of life. The terrorist threat should be the primary focus of all the members of the Committee – Democrat and Republican alike.

The facts are clear – the prewar assessments of Iraq's WMD programs were a tragic intelligence failure. However, the real causes of that failure, explained in detail in the Committee's exhaustive 2004 report on prewar assessments on Iraq, had nothing to do with Ahmed Chalabi and the INC. Instead of focusing on the

[REDACTED]



implementation of reform and on current and future threats, the Intelligence Committee continues to expend resources looking backwards at statements and actions that occurred over four years ago. It is our hope that the Committee will soon extricate itself from this time-consuming exercise and initiate forward looking oversight.

PAT ROBERTS,
ORRIN G. HATCH,
MIKE DEWINE,
TRENT LOTT,
SAXBY CHAMBLISS,
JOHN WARNER.